

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

KLAUSNER TECHNOLOGIES, INC.,
a New York corporation,

Plaintiff,

vs.

CASE NO. _____

JURY TRIAL DEMANDED

ORACLE CORPORATION, a Delaware corporation; HEWLETT-PACKARD COMPANY, a Delaware corporation; 8X8, INC., a Delaware corporation; ACN, Inc., a Delaware corporation; ALTEVA, LLC, a New Jersey limited liability company; ALTIGEN COMMUNICATIONS, INC., a Delaware corporation; APTELA, INC., a Delaware corporation; BANDWIDTH.COM, INC., a Delaware corporation; BRIGHT HOUSE NETWORKS, LLC, a Delaware limited liability company; CBEYOND, INC., a Delaware corporation; CLEARWIRE COMMUNICATIONS, LLC, a Delaware limited liability company; THE BROADVOX HOLDING COMPANY, LLC, a Delaware limited liability company; EARTHLINK, INC., a Delaware corporation; FONALITY, INC., a Delaware corporation; INTERACTIVE INTELLIGENCE GROUP, INC., an Indiana corporation; NEXTIVA, INC., an Arizona corporation; NUVIO, INC., a Delaware corporation; PHONE.COM, INC., a Delaware corporation; SMOOTHSTONE IP COMMUNICATIONS CORPORATION, a Delaware corporation; TELESPHERE NETWORKS, LTD., a Washington limited partnership; VOICE CARRIER, INC., a Delaware corporation, and 3CX Ltd., a Seychelles limited liability company; ACCESSLINE COMMUNICATIONS

CORPORATION, a Delaware corporation;
APPTIX, INC., a Florida corporation;
AUDIOCODES, INC., a Delaware
corporation; CALLWAVE, INC., a
Delaware corporation; M5 NETWORKS,
INC., a Delaware corporation; SCHMOOZE
COM, INC., a Wisconsin corporation;
TARIDIUM, LLC, a Delaware limited
liability company; IXC, INC., a Delaware
corporation; ZULTYS, INC., a Delaware
corporation,

Defendants.

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Klausner Technologies, Inc. (“Klausner Technologies”) sues
Defendants Oracle Corporation; Hewlett-Packard Company; 8x8, Inc.; ACN, Inc.; Alteva,
LLC; AltiGen Communications, Inc.; Aptela, Inc.; Bandwidth.Com, Inc.; Bright House
Networks, LLC; Cbeyond, Inc.; Clearwire Communications, LLC; The Broadvox Holding
Company, LLC; Earthlink, Inc.; Fonality, Inc.; Interactive Intelligence Group, Inc.; Nextiva,
Inc.; Nuvio, Inc.; Phone.Com, Inc.; Smoothstone IP Communications Corporation;
Telesphere Networks, Ltd.; Voice Carrier, Inc.; and 3CX Ltd.; AccessLine Communications
Corporation; Apptix, Inc.; AudioCodes, Inc.; CallWave, Inc.; M5 Networks, Inc.; Schmooze
Com, Inc.; Taridium, LLC; IXC, Inc.; and Zultys, Inc. (“Defendants”) and on information
and belief, alleges as follows:

Introduction

1. Plaintiff Klausner Technologies owns the inventions described and
claimed in United States Patent Nos. 5,572,576 entitled “Telephone Answering Device
Linking Displayed Data with Recorded Audio Message” (the “576 Patent”). Defendants

(a) have used and continue to use Plaintiff's patented technology in products that they make, use, sell, and offer to sell, without Plaintiff's permission, and (b) have contributed to or induced, and continue to contribute to or induce, others to infringe the '576 Patent. Plaintiff Klausner Technologies seeks damages for patent infringements and an injunction preventing Defendants from making, using, selling, or offering to sell, and from contributing to and inducing others to make, use, sell, or offer to sell, Plaintiff's patented technology without permission.

Jurisdiction and Venue

2. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271 and 281, et seq. The Court has original jurisdiction over this patent infringement action under 28 U.S.C. §§ 1338(a).

3. Venue is proper in this Court because the Defendants are responsible for acts of infringement occurring in the Eastern District of Texas as alleged in this Complaint, and have delivered or caused to be delivered its infringing products in the Eastern District of Texas.

Plaintiff Klausner Technologies

4. Plaintiff Klausner Technologies, Inc. is a corporation existing under and by virtue of the laws of the State of New York.

The '576 Patent

5. The United States Patent and Trademark Office issued the '576 Patent on November 5, 1996. A copy of the '576 Patent is attached as Exhibit A. Through

assignment, Plaintiff is the owner of all right, title, and interest, including rights for damages for past infringements, in the '576 Patent.

Defendants

Oracle Corporation

6. Upon information and belief, Oracle Corporation is a Delaware corporation having its principal place of business in Redwood Shores, California ("Oracle").

Hewlett-Packard Company

7. Upon information and belief, Hewlett-Packard Company is a Delaware corporation having its principal place of business in Palo Alto, California ("HP").

8x8, Inc.

8. Upon information and belief, 8x8, Inc. is a Delaware corporation having its principal place of business in Sunnyvale, California ("8x8").

ACN, Inc.

9. Upon information and belief, ACN, Inc. is a Delaware corporation having its principal place of business in Concord, North Carolina ("ACN").

Alteva, LLC

10. Upon information and belief, Alteva, LLC is a New Jersey limited liability company with its principal place of business in Philadelphia, Pennsylvania ("Alteva").

AltiGen Communications, Inc.

11. Upon information and belief, AltiGen Communications, Inc. is a Delaware corporation having its principal place of business in San Jose, California ("AltiGen").

Aptela, Inc.

12. Upon information and belief, Aptela, Inc. is a Delaware corporation having its principal place of business in Herndon, Virginia (“Aptela”).

Bandwidth.com, Inc.

13. Upon information and belief, Bandwidth.com, Inc. is a Delaware corporation with its principal place of business in Cary, North Carolina (“Bandwidth.com”).

Bright House Networks, LLC

14. Upon information and belief, Bright House Networks, LLC is a Delaware limited liability company with its principal place of business in East Syracuse, New York (“Bright House”).

Cbeyond, Inc.

15. Upon information and belief, Cbeyond, Inc. is a Delaware corporation with its principal place of business in Atlanta, Georgia (“Cbeyond”).

Clearwire Communications, LLC

16. Upon information and belief, Clearwire Communications, LLC is a Delaware limited liability company having its principal place of business in Kirkland, Washington (“Clearwire”).

The Broadvox Holding Company, LLC

17. Upon information and belief, The Broadvox Holding Company, LLC is a Delaware limited liability company having its principal place of business in Dallas, Texas (“Broadvox”).

EarthLink, Inc

18. Upon information and belief, EarthLink, Inc is a Delaware corporation having its principal place of business in Atlanta, Georgia (“Earthlink”).

Fonality, Inc

19. Upon information and belief, Fonality, Inc is a Delaware corporation having its principal place of business in Culver City, California (“Fonality”).

Interactive Intelligence Group, Inc.

20. Upon information and belief, Interactive Intelligence Group, Inc. is an Indiana corporation having its principal place of business in Indianapolis, Indiana (“Interactive”).

Nextiva, Inc.

21. Upon information and belief, Nextiva, Inc. is an Arizona corporation having its principal place of business in Scottsdale, Arizona (“Nextiva”).

Nuvio, Inc.

22. Upon information and belief, Nuvio, Inc. is a Delaware corporation having its principal place of business in Overland Park, Kansas (“Nuvio”).

Phone.com, Inc.

23. Upon information and belief, Phone.com, Inc. is a Delaware corporation having its principal place of business in Livingston, New Jersey (“Phone.com”).

Smoothstone IP Communications Corporation

24. Upon information and belief, Smoothstone IP Communications Corporation is a Delaware corporation having its principal place of business in Louisville, Kentucky (“Smoothstone”).

Telesphere Networks, Ltd.

25. Upon information and belief, Telesphere Networks, Ltd. is a Washington limited partnership having its principal place of business in Scottsdale, Arizona (“Telesphere”).

Voice Carrier, Inc.

26. Upon information and belief, Voice Carrier, Inc. is a Delaware corporation having its principal place of business in San Jose, California (“Voice Carrier”).

3CX Ltd.

27. Upon information and belief, 3CX Ltd. is a Seychelles limited liability company with its principal place of business in the United States in Duluth, Georgia (“3CX”).

AccessLine Communications Corporation

28. Upon information and belief, AccessLine Communications Corporation is a Delaware corporation having its principal place of business in Bellevue, Washington (“AccessLine”).

Apptix, Inc.

29. Upon information and belief, Apptix, Inc. is a Florida corporation with its principal place of business in Herndon, Virginia (“Apptix”).

AudioCodes, Inc.

30. Upon information and belief, AudioCodes, Inc. is a Delaware corporation having its principal place of business in Somerset, New Jersey (“AudioCodes”).

CallWave, Inc.

31. Upon information and belief, CallWave, Inc. is a Delaware corporation with its principal place of business in Santa Barbara, California (“CallWave”).

M5 Networks, Inc.

32. Upon information and belief, M5 Networks, Inc. is a Delaware corporation having its principal place of business in New York, New York (“M5”).

Schmooze Com, Inc.

33. Upon information and belief, Schmooze Com, Inc is a Wisconsin corporation having its principal place of business in Neenah, Wisconsin (“Schmooze”).

Taridium, LLC

34. Upon information and belief, Taridium, LLC is a Delaware limited liability company having its principal place of business in New York, New York (“Taridium”).

IXC, Inc.

35. Upon information and belief, IXC, Inc. is a Delaware corporation having its principal place of business in San Francisco, California (“IXC”).

Zultys, Inc.

36. Upon information and belief, Zultys, Inc. is an Delaware corporation having its principal place of business in Sunnyvale, California (“Zultys”).

First Claim for Patent Infringement (‘576 Patent)

Against All Defendants

37. On or about November 5, 1996, the ‘576 Patent, disclosing and claiming a “Telephone Answering Service Linking Displayed Data with Recorded Audio Message,” was duly and legally issued by the United States Patent and Trademark Office.

38. Plaintiff Klausner Technologies is the owner of the ‘576 Patent with full rights to pursue recovery of royalties or damages for infringement of such patent, including full rights to recover past and future damages.

39. Defendants have infringed, contributed to the infringement, and induced others to infringe the ‘576 Patent and, unless enjoined, will continue to infringe the

‘576 Patent by manufacturing, using, selling, offering for sale, or by using the method(s) claimed in the Patent or by contributing to or inducing others to make, use, sell, or offer to sell, the claimed invention or use the claimed methods(s) without a license or permission from Plaintiff.

40. Plaintiff has been damaged by Defendants’ infringement of the ‘576 Patent and will suffer additional irreparable damage and impairment of the value of its patent rights unless Defendants are enjoined from continuing to infringe the ‘576 Patent.

41. On information and belief Defendants each provide a Voice over Internet Protocol (VOIP) messaging service having some common or similar visual voicemail capabilities as those of other defendants. Thus, there are questions of fact common to all Defendants and joinder is appropriate.

42. The claims against all Defendants similarly involve common questions of fact which relate to the infringement and/or validity due to the fact that it is the same patent being asserted against all defendants.

43. Plaintiff demands trial by jury of all issues so triable.

WHEREFORE, Plaintiff prays for judgment as follows:

- A. A decree preliminarily and permanently enjoining Defendants, their officers, directors, employees, agents, and all persons in active concert with them, from infringing, and contributing to or inducing others to infringe the ‘576 Patent;
- B. Compensatory damages awarding Plaintiff damages caused by Defendants’ infringement of the ‘576 Patent;
- C. For costs of suit and attorneys fees;
- D. For pre-judgment interest; and

E. For such other relief as justice requires.

Dated: October 25, 2011

Respectfully submitted,

By: /s/ S. Calvin Capshaw

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